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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,393	07/29/2003	Thomas Van Zandt	P001	4589

7590 08/25/2006
Thomas Van Zandt
5255 Stevens Creek Blvd. PMG # 299
Santa Clara, CA 95051

EXAMINER

DEANE JR, WILLIAM J

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,393

Applicant(s)

ZANDT ET AL.

Examiner

William J. Deane

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-9,11-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-9,11-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 – 3, 5 – 9, 11 – 15 and 17 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2004/0022369 (Vitikainen et al.) in view of U.S. Patent No. 6,324,271 (Sawyer et al.)

With respect to claims 1 – 3, 5, 7 - 8, 11, 13 – 14, 17 and 19 - 20 note that Vitikainen et al. teach an answering service where one receives call identification and response instructions from a remote user, receive a call and respond to the call in accordance with the response instructions (see Paragraph 0037 – 0040 and the Abstract). What Vitikainen et al. do not show is prompting a user for identifying a call from user inputs. However, note that Sawyer et al. teach such is well known in the art (see Abstract, Col. 3, lines 7 – 20 and Col. 4, lines 57 – 62 of Sawyer et al.). It would have been obvious to one ordinary skill in the art to have incorporated such identifying via authentication inputs as taught by Sawyer et al. into the Vitikainen et al. device as such would only entail the substitution of one known identifying means for another.

With respect to claim 2, note that the identifying means could be a telephone number as the database of Sawyer et al keeps a list of telephone numbers (Fig. 1). In addition, note paragraph 0037 of Vitikainen et al.

With respect to claims 6, 12 and 18, note paragraph 0017 of Vitikainen et al. Note that the option is being connected to a pre-determined number. Vitikainen et al. only uses the secretarial number as an example of an alternative predetermined number. It would have been obvious to one of ordinary skill in the art to have used whatever alternative predetermined number was deemed necessary, like an alternative number of a remote user, as such would only entail the substitution of one alternative predetermined number for another. Even if applicant could prevail on this issue, it is noted that follow-me or chase-me systems are notoriously old in the art and it would have been obvious to use such a system wherever it was deemed necessary.

In the alternative, note use of selective call forwarding based on the identity of a caller (Abstract of Sawyer et al.).

With respect to claims 3,9 and 15, note Col. 2, line 66 (voice recognition) of Sawyer et al.

Response to Arguments

Applicant's arguments filed 06/23/2006 have been fully considered but are not deemed persuasive to any error in the rejection above.

Applicant argues that in Vitikainen et al. that it is the caller not the called party, who selects to forward the call to, for example, the secretary. Even if a menu is offered to the caller and he makes the choice, the choice was given the caller based on instructions given by the called party. That is, the called party could have excluded the secretary or given more options to the calling party or other instructions could have


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been include if permitted by the called party. It is also noted that applicant has cited to an alternative embodiment of the Vitikainen et al. device.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bill Deane whose telephone number is (571) 272-7484. In addition, facsimile transmissions should be directed to Bill Deane at facsimile number (571) 273-8300.

14Apr2006


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER